

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CARL MEYER,)	
)	Civil Action No. 05 - 0342
Plaintiff,)	
)	Judge Gary Lancaster
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
JO ANNE B. BARNHART,)	Docket Nos. 8, 10
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on March 15, 2005, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates on March 21, 2005.

The magistrate judge's Report and Recommendation (Doc. No. 13), filed on March 20, 2006, recommended that the Plaintiff's Motion for Summary Judgment (Doc. No. 8) be denied as to his request for benefits and granted as to his request for remand, and that the Defendant's Motion for Summary Judgment (Doc. No. 10) be denied, and that the decision of the Commissioner of Social Security to deny Plaintiff's application for disability insurance benefits be reversed and this case be remanded to the Commissioner for further proceedings. Service was made on all counsel for of record. No objections to the report and recommendation were filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

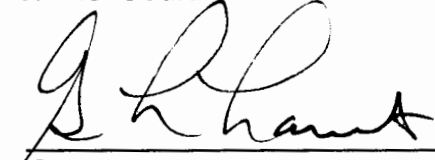
AND NOW, this 10TH day of APRIL, 2006;

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment (Doc. No. 8) is **DENIED IN PART AND GRANTED IN PART**. Plaintiff's Motion for Summary Judgment (Doc. No. 8) is **DENIED** as to his request for an award of benefits and **GRANTED** as to his request for remand for further proceedings.

IT IS FURTHER ORDERED Defendant's Motion for Summary Judgment (Doc. No. 10) is **DENIED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security to deny Plaintiff's application for disability insurance benefits is **REVERSED** and this case be **REMANDED** to the Commissioner for further proceedings.

The report and recommendation of Magistrate Judge Lenihan, dated March 20, 2006, is adopted as the opinion of the Court.



Gary L. Lancaster
United States District Judge

cc: Honorable Lisa Pupo Lenihan
U.S. Magistrate Judge

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